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## *Counsel for Defendants*

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ANTHONY BENAVIDES, individually and on behalf of all others similarly situated.

Plaintiff,  
vs.

KELLOGG COMPANY, a Delaware Corporation; KELLOGG USA, INC., a Michigan Corporation; KELLOGG SALES COMPANY, a Delaware Corporation; and DOES 1 through 10, inclusive.

## Defendants

) Case No. 2:10-CV-02294-JST (PJWx)  
) Hon. Josephine Staton Tucker  
)  
) **CLASS ACTION**  
)  
) **STIPULATION AND [PROPOSED]  
ORDER FOR DISMISSAL OF  
ENTIRE ACTION WITH  
PREJUDICE PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 41(a)(1)**  
)  
)

**TO THIS HONORABLE COURT, AND TO ALL PARTIES AND THEIR  
ATTORNEYS OF RECORD:**

All parties to this action, *i.e.*, Plaintiff ANTHONY BENAVIDES (“Plaintiff”), by and through his attorney, Milstein Adelman, LLP, on the one hand, and Defendants KELLOGG COMPANY, KELLOGG USA, INC. and KELLOGG SALES COMPANY. (“Kellogg”), by and through its attorneys, Jenner & Block, LLP, on the other hand, HEREBY STIPULATE as follows:

This entire action should be and hereby is dismissed with prejudice, with each party (i.e., Plaintiff and Kellogg) to bear its own fees and costs.

|Dated: October 14, 2011

Respectfully Submitted,

## MILSTEIN ADELMAN, LLP

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